

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION**

**UNITED STATES OF AMERICA,**

**V.**

**DERRICK ALAN THOMAS**

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**NO. 5:18-CR-059-C**

**DISCOVERY MOTION - EXTRANEIOUS ACTS**

**TO THE HONORABLE JUDGE OF SAID COURT:**

NOW COMES the Defendant in the above-styled and numbered cause, by and through his attorney of record, and respectfully requests that the Court instruct the prosecuting attorneys to divulge evidence of any prior convictions, alleged violations of the law not alleged in the indictment, or extraneous acts allegedly done by the Defendant or other alleged co-conspirator in this cause at a reasonable time prior to trial (at least two weeks) so as to permit counsel to determine the following:

1. Whether the conviction was punishable by death or imprisonment in excess of one (1) year under the law which the conviction was rendered.
2. Whether the conviction, alleged violation or extraneous act has such prejudicial effect to the Defendant so that said prejudicial effect outweighs the probative value of said testimony.
3. Whether the conviction, alleged violation or extraneous act occurred at a time sufficiently recent to have some bearing on the present cause of action.
4. Whether the person now on trial or the person who allegedly committed said act is the same person now connected with this trial.

5. Whether said conviction, alleged violation or extraneous act is admissible, pursuant to the Federal Rules of Evidence. In particular, Defendant would direct the Court's attention to Federal Rules of Evidence 404(b).

WHEREFORE, PREMISES CONSIDERED, it is respectfully requested that the Court order the prosecuting attorneys to make said disclosures at a reasonable time prior to trial (at least two weeks).

Respectfully submitted,

**JASON D. HAWKINS**  
**Federal Public Defender**  
**Northern District of Texas**

/s/ Sarah Gunter

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Attorney for Defendant

**CERTIFICATE OF CONFERENCE**

I certify that I conferred with Jeff R. Haag, the Assistant U.S. Attorney assigned to this matter, regarding the filing of the foregoing and he does not oppose said motion to the extent the motion requests discovery allowed under Rule 16 and Brady.

/s/ Sarah Gunter

Sarah Gunter  
Assistant Federal Public Defender

**CERTIFICATE OF SERVICE**

I, Sarah Gunter, certify that on the 13th day of July, 2018, a copy of the foregoing was filed through the Electronic Case Filing (“ECF”) System. Pursuant to Rule 9 of Miscellaneous Order No. 61, this constitutes service of this document to the United States Attorney for the Northern District of Texas, who is an ECF user.

/s/ ***Sarah Gunter***

Sarah Gunter

Assistant Federal Public Defender